

GUIDELINES

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RECRUITMENT AND SELECTION POLICY GUIDELINES FOR PUBLIC EMPLOYMENT

Attachment A, Executive Order 02-04

/s/ Davis K. Yogi, Director Dept. of Human Resources Development

APPROVED:

## 1.0 BACKGROUND AND IMPACT OF THE PUBLIC EMPLOYMENT MODERNIZATION OMNIBUS LEGISLATION, ACT 253, SLH 2000

The Public Employment Modernization Omnibus Legislation, ACT 253, SLH 2000, provided the blueprint for the State Executive Branch to design and implement a systemic overhaul of the 60+ year old civil service system. The Department of Human Resources Development contributed to the Legislative blueprint by engaging multiple stakeholders in defining the strengths and improvements desired in our human resources system.

ACT 253's Omnibus Legislation provides broad statutory authority that permits the State of Hawaii to create a merit-based recruitment and selection process continuum that:

- Streamlines the recruitment process so that positions are filled in the most economic, efficient, and expeditious manner possible [§ 76.22.5, Hawaii Revised Statutes (HRS)]
- Maximizes use of technologies such as electronic processing and application and distributive capability; [Id.]
- Develops more efficient alternatives to ensure the availability of qualified applicant pools whether it involves a change in the manner in which initial appointments are to be made. [Id.]
- Complies with all applicable state and federal employment laws.

It is the intent of this policy to streamline the overall recruitment processes and their procedures by combining the different types of eligible applicants. This policy is intended to:

- Reduce the time in recruiting personnel.
- Eliminate the linear recruitment process that comes from interviewing and considering candidates of an internal list to another, by providing a new recruitment mechanism that consolidates the various internal recruitment processes and their applicant pools into one.
- Substantially reduce the time managers spend interviewing candidates from the various different internal and external eligible lists.
- Promote public employment modernization in the Executive Branch by considering all employees, whether the employee occupies an exempt position from the civil service<sup>1</sup>, a fair opportunity to compete for a civil service vacancy and managers to select employees based on merit and not status or type of appointment.

 $<sup>^1</sup>$  Note: ACT 253 amended §76-16, HRS to provide that exemption of positions from the classification system shall not itself result in an exemption from civil service recruitment procedures.



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All eligibility requirements shall be consistent with the merit principle which is "the selection of persons based on their fitness and ability for public employment and the retention of persons based on their demonstrated appropriate conduct and productive performance (section 76-1, HRS)", including the meeting of the minimum qualifications of the civil service position.

Employees who apply for and are subject to the civil service recruitment procedures shall be entitled to become members of the civil service, and subject to merit retention based on performance.

#### 2.0 KEY OBJECTIVES

- 2.1 To provide an efficient and economic recruitment policy that expands the pool of qualified internal employee applicants; provided any employee subject to the civil service recruitment procedures shall comply with the conditions of membership into the civil service as provided in section 76-27, HRS.
- 2.2 To establish and maintain an economically and efficiently administered civil service system based on the merit principle that complies with the following ACT 253 provisions:
  - (a) Equal opportunity for all in compliance with all laws prohibiting discrimination. No person shall be discriminated against in examination, appointment, reinstatement, reemployment, promotion, transfer, demotion, or removal, with respect to any position when the work may be efficiently performed by the person without hazard or danger to the health and safety of the person or others;
  - (b) Impartial selection of individuals for public service by means of competitive tests which are fair, objective and practical;
  - (c) Equal pay for equal work shall apply between classes in the same
  - (d) bargaining unit among jurisdictions for those classes determined to be equal through systemic classification of positions based on objective criteria and adequate job evaluation;
  - (e) The exemption of a position from classification systems, whether temporary or permanent, or an appointment with a limitation date shall not in itself result in an exemption from civil service recruitment procedures based on merit; and
  - (f) Section 76-22.5 mandates the Director to seek continuous improvements to streamline the recruitment process so that positions are filled in the most economic, efficient, and expeditious manner possible. In addition to maximizing use of new technologies, the Director shall develop more efficient alternatives to ensure the availability of qualified applicant pools



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whether it involves a change in the manner in which initial appointments are to be made, increased delegation to departments, or decentralization to appointing authorities as necessary.

- 2.3 To emphasize that the merit principle includes the selection of persons based on their fitness and ability for public employment and the retention of employees based on their demonstrated appropriate conduct and productive performance as an important employment indicator and predictor of an "employee's " performance.
- 2.4 To operationalize the modernization ideals as provided in ACT 253 by making the recruitment processes flexible, provide employment opportunities at varying levels for employees, and to provide an incentive to employees seeking a career service in government who demonstrate the appropriate conduct and productive performance the opportunity to apply for and be selected for civil service vacancies.

#### 3.0 AUTHORITY AND REFERENCES

Part I, General Civil Service Provisions of Chapter 76, HRS, ACT 253, SLH 2000.

Hawaii Revised Statutes, §76-11, Definitions.

Hawaii Revised Statutes §76-13, Specific duties and powers of Director.

Hawaii Revised Statutes §76-16, Civil service and exemptions.

Hawaii Revised Statutes §76-18, Examinations.

Hawaii Revised Statutes §76-22.5, Recruitment.

Hawaii Revised Statutes §76-27, Probationary service and other requirements for membership in the civil service.

Hawaii Revised Statutes §76-29, Person ineligible for appointment.

Hawaii Revised Statutes §78-1, Citizenship and residence.

Hawaii Revised Statutes §78-2.6, Prospective employees; suitability for public employment.



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#### 4.0 DEFINITIONS

For the purpose of the policy guidelines, the following statutory or policy definitions as provided by ACT 253, SLH 2000, or Title 14, Hawaii Administrative Rules, Department of Human Resources Development, shall be applicable.

#### **CERTIFICATE OF ELIGIBLES**

The official document through which eligible applicants are referred for employment consideration.

#### CIVIL SERVICE EMPLOYMENT

An appointment to a civil service position from an appropriate eligible list.

#### CIVIL SERVICE EMPLOYEE

An employee who has met all requirements for membership under section 76-27, HRS.

#### CIVIL SERVICE POSITIONS

All positions within a jurisdiction that are not exempt from civil service law and must be filled through civil service recruitment procedures based on merit.

#### CIVIL SERVICE RECRUITMENT PROCESS

A process to announce the receipt of applications for participation in an examination for positions where persons are considered for selection based on their fitness and ability, and deemed qualified for a civil service appointment.

#### CIVIL SERVICE SYSTEM

Merit system.

#### **DEPARTMENTAL COMPETITIVE ANNOUNCEMENT**

A Departmental announcement of a civil service recruitment process to fill a vacancy that is open to all Departmental civil service employees with membership and qualified exempt employees who have more than twelve months of continuous service and who seek promotions, transfers, or demotions but excluding exempt employees under §76-16 b (2), (4), (5), (6), (7), (8), (11), (12), (13), (14), (15), (16), (20), (24), (25), and (26), HRS.

#### DIRECTOR

The director of the Department of Human Resources Development.



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#### **ELIGIBLE**

An applicant for a vacancy and who meets the job requirements of the position and whose name is placed on the eligible list.

#### **ELIGIBLE LIST**

A list, also, referred to as a register, of persons who have qualified for consideration for an appointment to a position in a particular class through the civil service recruitment procedures.

#### **EMPLOYEE**

Any person holding a position in the service of a jurisdiction, irrespective of status or type of appointment; provided that, if the context clearly applies only to an employee who is a member of the civil service, "employee" means a civil service employee.

#### **EXAMINATION**

Any test or accepted personnel assessment technique used to measure the fitness and ability of applicants for employment which may include, but are not limited to: written tests, oral tests, interviews, essays, tests of physical fitness or ability, medical examinations, performance tests, training and experience evaluations, background and suitability determinations, probation periods, in-basket assessment, biodata assessments, personality measures, and assessment centers.

#### **EXEMPT EMPLOYEE**

A person who is appointed to and who occupies a position exempted pursuant to section 76-16, HRS.

#### **INITIAL PROBATION PERIOD**

As part of the examination process, an on-the-job evaluation period of not less than six months nor more than one year, required of a person entering the state civil service to assess the person's fitness and ability for the position before acquiring membership in the civil service based on the employee's demonstrated appropriate conduct and productive performance.

#### INTERNAL MOVEMENTS

An internal movement, i.e., promotion, transfer or voluntary demotion, of an employee within the jurisdiction to another civil service or exempt position may be made to meet the needs of the service under certain recruitment conditions.



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#### JURISDICTION COMPETITIVE ANNOUNCEMENT

An jurisdiction-wide announcement of a civil service recruitment process open to all qualified Executive Branch civil service employees and qualified exempt employees who have more than twelve months of continuous service but excluding exempt employees under §76-16 b (2), (4), (5), (6), (7), (8), (11), (12), (13), (14), (15), (16), (20), (24), (25), and (26), HRS.

#### MEMBERSHIP IN THE CIVIL SERVICE

The status and rights enjoyed by an employee hired through a competitive recruitment process who successfully completes an initial probationary period and demonstrates continued fitness and ability by meeting all performance requirements of the employee's position.

#### MERIT PRINCIPLE

Selection of persons based on their fitness and ability for public employment and the retention of employees based on their demonstrated appropriate conduct and productive performance.

#### **MERIT SYSTEM**

The system based on merit principles within the meaning of section 76-1, HRS, as amended, and Article XIV, Section 1, of the Hawaii State Constitution.

#### MINIMUM QUALIFICATION

The minimum experience, education, licensing and other special requirements essential for performance in a class of work or a position.

#### **NEW PROBATION PERIOD**

As part of the examination process, an on-the-job evaluation period required of a member of the civil service to assess and determine the employee's fitness and ability for the new position.

#### NON-CIVIL SERVICE APPOINTMENT

An appointment to a civil service position made without the use of an eligible list.

#### **OPEN COMPETITIVE ANNOUNCEMENT**

A recruiting notice announcing the receipt of applications from the general public for participation in an examination for appointment in a particular class.



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#### **QUALIFIED EXEMPT EMPLOYEE**

A current exempt employee who has more than twelve months of continuous service immediately preceding the date of application but excluding exempt employees under §76-16 b (2), (4), (5), (6), (7), (8), (11), (12), (13), (14), (15), (16), (20), (24), (25), and (26), HRS.

#### SUITABILITY

Fitness for employment of an applicant or eligible after consideration of all relevant factors pursuant to Sections 76-18 and 76-29, HRS.

#### 5.0 SCOPE

The policy guidelines apply to all civil service employees and qualified exempt employees in the Executive Branch of state government, as defined above, who are applying for a civil service vacancy subject to the civil service recruitment procedures.

#### 6.0 RESPONSIBILITIES

- 6.1 Director of Human Resources Development shall:
  - (a) Promote the objectives of providing equal opportunity in public employment as it relates to recruitment and selection of its public employees and compliance with all federal and state employment laws relating to employment discrimination:
  - (b) Seek continuous improvements to streamline the recruitment process so that positions are filled in the most economic, efficient, and expeditious manner possible, and maximize the use of new technologies;
  - (c) Develop more efficient alternatives to ensure the availability of qualified applicant pools, including changing in the manner in which initial appointments are to be made;
  - (d) Conduct periodic audits of recruitments and selections made by appointing authorities to ensure that decisions are merit-based and free from coercive political influences, and take appropriate corrective actions, including appropriate sanctions.
- 6.2 Department Heads shall, in consultation with their program administrators and departmental personnel office, the Director and/or the Division Administrator of the Workforce Planning Division of the HRD, determine the appropriate merit-based recruitment and selection methodology in filling their civil service or exempt vacancies.



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#### 7.0 RECRUITMENT METHODOLOGIES

HRD is consolidating the number of recruitment methodologies in order to expand the pool of applicants. There are three competitive recruitment methodologies available to departments in filling their vacancies 1) Departmental Competitive Announcement, 2) Jurisdiction Competitive Announcement, and 3) Open Competitive Recruitment as explained below.

#### 7.1 DEPARTMENTAL COMPETITIVE ANNOUNCEMENT

Unless otherwise specified by the Director, Departments have the flexibility to limit the applicant pool of employees within their department when the Department has determined that there is a sufficient pool of qualified applicants to provide equal opportunity to all Departmental employees. The Department may elect to conduct a Departmental Competitive Announcement to receive applications to fill a vacancy within the department from qualified civil service employees who seek promotions, transfers, or demotions and from qualified exempt employees who have more than twelve months of continuous service but excluding exempt employees under §76-16 b (2), (4), (5), (6), (7), (8), (11), (12), (13), (14), (15), (16), (20), (24), (25), and (26), HRS.

- 7.1.1 The Departmental Competitive Announcement involves the following:
- (a) When the Department determines that a vacancy will be filled from within the Department, the Department may elect this method of recruitment and announce the vacancy for the purpose of soliciting applications from civil service employees seeking promotion, demotion, or transfer for which the employees qualify and qualified exempt departmental employees who seek a career in the civil service.
- (b) All qualified exempt departmental employees who seek membership into the civil service may apply.
- (c) Departmental Competitive Announcement includes the following major steps:
  - 1. The Departmental Competitive Announcement is issued and posted by the Departmental Personnel Office.



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- 2. Applications for the announced vacancy are received in a timely basis and reviewed for its accuracy and completeness.
- 3. Applications may be screened/culled through the use of jobrelated criteria based on an eligible applicant's fitness and ability for public employment in order to reduce the pool of applicants and promote recruitment efficiency.
- 4. All interested and available eligible applicants contacted shall proceed through a merit-based competitive selection process, which may include a selection interview process.
- 5. The employing Department shall notify all unsuccessful eligible applicants who were interviewed for consideration for appointment on the outcome of the selection interview process, i.e. non-selection decisions.
- (d) The compensation of a civil service applicant selected to a vacancy that results in a promotion, transfer or voluntary demotion shall be adjusted in accordance with the appropriate terms of the employee's collective bargaining agreement, or in the event the collective bargaining agreement does not apply (e.g., jurisdiction between bargaining units), then the compensation shall be adjusted by policy (Attachment B).
- (e) The selection of a qualified exempt employee based on the merit principle shall be considered an appointment, and the employee's pay shall be adjusted in accordance with the respective collective bargaining agreement, or in the event the collective bargaining agreement does not apply (e.g., jurisdiction between bargaining units), then the compensation shall be adjusted by policy. (Attachment B.)
- (f) Unless specified otherwise in policies and procedures, the civil service employee selected shall serve a new probation period as the final test of the competitive examination process to assess the employee's fitness and suitability for the new position. <sup>2</sup>
- (g) If a qualified exempt employee is selected, the employee shall successfully serve and complete an initial probationary period before membership into the service is granted.

 $<sup>^2</sup>$  Except in the case of a member in the civil service who accepts an appointment to a position with a NTE date.



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(h) The merit principle dictates that the selection of an applicant be impartial and based on the employee's demonstrated qualifications, appropriate conduct and productive performance; therefore, it is not of importance to provide priority consideration of civil service employees seeking promotion, transfer, or demotion over other public employees as defined in this policy.

Not withstanding the above, Departments may accept requests for transfers, demotions or promotions from members of the civil service or qualifying exempt employees within the jurisdiction.

## 7.1.2 EXCEPTIONS TO THE DEPARTMENTAL COMPETITIVE ANNOUNCEMENT. (Primarily for Adult Corrections Officer and Airport Firefighter)

The exception to departmental flexibility in recruitment is when the recruitment is primarily for Adult Corrections Officers and Airport Firefighters or other unique job classifications for which the Department of Human Resources Development has specialized experience.

- (a) This methodology limits the pool of qualified applicants to members of civil service within the Executive Branch based on merit competition.
- (b) Competitive promotional announcement may seek qualified civil service applicants within a department (Intra-Competitive Promotional Examination Announcement), or between departments (Inter-Competitive Promotional Examination Announcement).
- (c) Applicants will be administered competitive examinations appropriate for the recruitments conducted.
- (d) All applicants who successfully complete the examination process will be established as eligibles on general registers (eligible lists).
- (e) Eligible applicants are referred to employing departments via certificates of eligibles issued from the Department of Human Resources Development.



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- (f) Departments may apply job-related culling criteria in considering eligible applicants to be interviewed.
- (g) All interested and available eligible applicants contacted shall proceed through a merit-based competitive selection process, which may include an interview.
- (h) The employing Department shall notify all unsuccessful eligible applicants contacted and interviewed on the outcome of the selection interview process, i.e. non-selection decisions.
- (i) The selection of a civil service employee shall result in the employee receiving a promotion, transfer or voluntary demotion.
- (j) Unless specified otherwise in policies and procedures, the employee selected shall serve a new probation period as the final test of the competitive examination process to assess the employee's fitness and for the new position.<sup>3</sup>

#### 7.2 JURISDICTION COMPETITIVE ANNOUNCEMENT

The Jurisdiction Competitive Announcements are conducted by the Department of Human Resources Development. This methodology expands the pool of qualified internal applicants in order to provide career opportunities for qualified jurisdiction employees based on merit competition.

- Jurisdiction Competitive Announcements are limited to all qualified Executive Branch civil service employees and qualified exempt employees who have more than twelve months of continuous service but excluding exempt employees under §76-16 b (2), (4), (5), (6), (7), (8), (11), (12), (13), (14), (15), (16), (20), (24), (25), and (26), HRS, (hereinafter "applicants").
- (b) Eligible applicants are referred to employing departments via eligible lists issued from the Department of Human Resources Development.

 $<sup>^{3}</sup>$  Except in the case of a member in the civil service who accepts an appointment to a position with a NTE date.



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- (c) Upon receipt of the list of eligible applicants, Departments may reduce the number of eligible applicants on the list of eligible to be interviewed or examined by screening/culling the applicant's fitness and ability for public employment using job-related criteria.
- (d) All interested and available eligible applicants contacted shall proceed through a merit-based competitive selection examination process. For example, a job-related selection interview process is utilized to rank candidates and ensure that the best-qualified candidate is selected on meritbased evaluation factors.
- (e) The employing Department shall notify all unsuccessful eligible applicants contacted and interviewed on the outcome of the selection interview process, i.e. non-selection decisions.
- (f) Unless specified otherwise in policies and procedures, if a civil service employee is selected, the employee shall serve a new probation period as the final test of the competitive examination process to determine fitness and for the new position.<sup>4</sup>
- (g) If a qualified exempt employee is selected, the employee shall serve an initial probation period, which is the final test of the competitive examination process to determine fitness for the new position. Upon successful completion of the initial probation period, employees shall acquire membership in civil service.
- (h) The merit principle dictates that the selection of an applicant be impartial and based on the employee's demonstrated qualifications, appropriate conduct and productive performance; therefore, it is not of importance to provide priority consideration of civil service employees seeking promotion, transfer, or demotion over other public employees as defined in this policy.

#### 7.3 OPEN COMPETITIVE RECRUITMENT

The Open Competitive Recruitment seeks the broadest pool of qualified applicants for a particular job classification from the general public, and is conducted by the Department of Human Resources Development.

<sup>&</sup>lt;sup>4</sup> Except in the case of a member in the civil service who accepts an appointment to a position with a NTE date.



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(a) This methodology announces the receipt of applications for a particular

class from qualified individuals in the general public based on merit

- (b) Applicants will be administered a competitive examination appropriate for the recruitment conducted.
- (c) All applicants who successfully complete the examination process will be established as eligible applicants on general registers (eligible lists).
- (d) Eligible applicants are referred to employing departments via certificates of eligible applicants issued from the Department of Human Resources Development.
- (e) Departments may apply job-related culling criteria in considering eligible applicants to be interviewed.
- (f) All interested and available eligible applicants contacted shall proceed through a merit-based competitive selection process, which may include an interview. A job-related selection interview process is utilized to rank candidates and ensure that the best-qualified candidate is selected on meritbased evaluation factors.
- (g) The employing Department shall notify all unsuccessful eligible applicants contacted and interviewed on the outcome of the selection interview process, i.e. non-selection decisions.
- (h) All persons entering the State civil service shall serve an initial probationary period, which is the final test of the competitive examination process to determine fitness for the new position. Upon successful completion of the initial probation period, employees shall acquire membership in civil service.